

REMARKS

This Amendment is filed in response to the non-final Office Action of June 27, 2008 in which claims 1-31 were rejected. Basis for the amendment can be found in the application as filed on page 7, line 10 to 18.

Claims 1-14 and 16-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Friesen et al* (US Patent No. 6,892,080), and further in view of *Tendler* (U.S. Patent Application Publication No. 2002/0068549).

Neither *Friesen*, nor *Tendler* disclose a signal carrying a digital broadcast from a digital video broadcasting network (such as an ATSC network) as presently claimed.

Moreover, *Friesen* does not suggest that the cellular telephone handset could be used to receive a signal carrying a digital broadcast from a digital video broadcasting network.

Therefore, we submit that amended claim 1 is not obvious.

Claims 18 and 22 have been amended in a similar way as claim 1.

Applicant would like to point out that the *Tendler* reference has not been properly made of record. It is requested that it be made of record by the Examiner.

Withdrawal of the obviousness rejection of claims 1-14 and 16-31 is requested.

Regarding the obviousness rejection of claim 15, since claim 15 depends from claim 1, it is patentable for at least the same reasons as given above in applicant overcoming the obviousness rejection of claim 1. Withdrawal of the obviousness rejection of claim 15 is requested.

The objections and rejections of the Office Action of June 27, 2008, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of claims 1-33 to issue is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Francis Maguire", written over a circular flourish.

Francis J. Maguire
Attorney for the Applicant
Registration No. 31,391

FJM/mo
WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
755 Main Street, P.O. Box 224
Monroe, Connecticut 06468
(203) 261-1234